

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Michael A. F. Johnson _____, Petitioner, respectfully represents to the Court:
(name of petitioner)

1. That Petitioner is an attorney at law and a member of the law firm of
Arnold & Porter Kaye Scholer LLP
(firm name)

20 with offices at 601 Massachusetts Ave., NW
(street address)

21 Washington, District of Columbia, 20001
22 (city) (state) (zip code)

23 202-942-5783, michael.johnson@arnoldporter.com
(area code + telephone number) (Email address)

24 2. That Petitioner has been retained personally or as a member of the law firm by
25 Federal Housing Finance Agency to provide legal representation in connection with
26 [client(s)]

27 the above-entitled case now pending before this Court.

7 4. That Petitioner was admitted to practice before the following United States District
8 Courts, United States Circuit Courts of Appeal, the Supreme Court of the United States and Courts
9 of other States on the dates indicated for each, and that Petitioner is presently a member in good
10 standing of the bars of said Courts.

11	Court	Date Admitted	Bar Number
12	See attached		
13			
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19 5. That there are or have been no disciplinary proceedings instituted against petitioner,
20 nor any suspension of any license, certificate or privilege to appear before any judicial, regulatory
21 or administrative body, or any resignation or termination in order to avoid disciplinary or
22 disbarment proceedings, except as described in detail below:

(State "none" if Petitioner has no disciplinary proceedings, etc.) None

6. That Petitioner has never been denied admission to the State Bar of Nevada. (Give particulars if ever denied admission):

(State "none" if Petitioner has never been denied admission.) None

7. That Petitioner is a member of good standing in the following Bar Associations.

(State "none" if Petitioner is not a member of other Bar Associations.)

District of Columbia Court of Appeals
Supreme Court of Virginia

8. Petitioner has filed application(s) to appear as counsel under Local Rule IA 11-2 (formerly LR IA 10-2) during the past three (3) years in the following matters: (State "none" if no applications.)

Date of Application	Cause	Title of Court Administrative Body or Arbitrator	Was Application Granted or Denied
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See Attached

(If necessary, please attach a statement of additional applications)

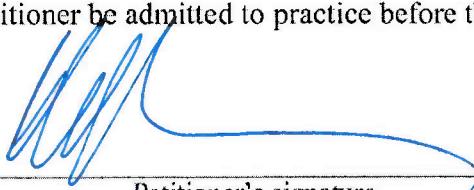
9. Petitioner consents to the jurisdiction of the courts and disciplinary boards of the State of Nevada with respect to the law of this state governing the conduct of attorneys to the same extent as a member of the State Bar of Nevada.

10. Petitioner agrees to comply with the standards of professional conduct required of the members of the bar of this court.

11. Petitioner has disclosed in writing to the client that the applicant is not admitted to practice in this jurisdiction and that the client has consented to such representation.

1 That Petitioner respectfully prays that Petitioner be admitted to practice before this Court
2 FOR THE PURPOSES OF THIS CASE ONLY.

3
4 STATE OF District of Columbia)
5 COUNTY OF Clark)
6

 Petitioner's signature

7 Michael A. F. Johnson, Petitioner, being first duly sworn, deposes and says:

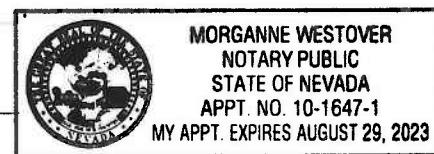
8 That the foregoing statements are true.

9
10 Subscribed and sworn to before me this

11 5th day of November, 2019



12
13 Notary Public or Clerk of Court



14
15
16 DESIGNATION OF RESIDENT ATTORNEY ADMITTED TO
17 THE BAR OF THIS COURT AND CONSENT THERETO.

18 Pursuant to the requirements of the Local Rules of Practice for this Court, the Petitioner
19 believes it to be in the best interests of the client(s) to designate Leslie Bryan Hart,
20 (name of local counsel)
21 Attorney at Law, member of the State of Nevada and previously admitted to practice before the
22 above-entitled Court as associate resident counsel in this action. The address and email address of
23 said designated Nevada counsel is:

24 _____
25 _____
26 _____
27 _____
28 _____
Fennemore Craig, P.C. - 300 E. Second St., Suite 1510
(street address)

24 Reno, Nevada, 89501,
25 (city) (state) (zip code)
26 775-788-2228, lhart@sclaw.com
(area code + telephone number) (Email address)

1 By this designation the petitioner and undersigned party(ies) agree that this designation constitutes
2 agreement and authorization for the designated resident admitted counsel to sign stipulations
3 binding on all of us.

4

5 **APPOINTMENT OF DESIGNATED RESIDENT NEVADA COUNSEL**

6

7 The undersigned party(ies) appoint(s) Leslie Bryan Hart, Esq. as
8 (name of local counsel)
his/her/their Designated Resident Nevada Counsel in this case.

9
10 
(party's signature)

11
12 Michael Sitcov Associate General Counsel
(type or print party name, title) COUNSEL, FHFA

13 _____
(party's signature)

14 _____
(type or print party name, title)

15 **CONSENT OF DESIGNEE**

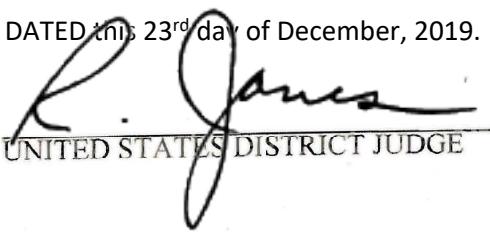
16 The undersigned hereby consents to serve as associate resident Nevada counsel in this case.

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19 Designated Resident Nevada Counsel's signature

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21 4932 lhart@fclaw.com
Bar number Email address

22
23 APPROVED:

24 DATED this 23rd day of December, 2019.

25 
26 UNITED STATES DISTRICT JUDGE

Question 4

Michael Alexander Johnson - Federal Court Admissions

Court	Admission Date	Active Status & Good Standing?	Bar Number
Supreme Court of the United States	October 5, 2009	Yes	No bar number assigned.
U.S. Court of Appeals for the First Circuit	October 9, 2013	Yes	1160381
U.S. Court of Appeals for the Second Circuit	April 16, 2014	Yes	No bar number assigned
U.S. Court of Appeals for the Third Circuit	April 29, 2013	Yes	No bar number assigned.
U.S. Court of Appeals for the Fourth Circuit	February 28, 2005	Yes	No bar number assigned.
U.S. Court of Appeals for the Sixth Circuit	May 24, 2012	Yes	No bar number assigned.
U.S. Court of Appeals for the Seventh Circuit	April 12, 2013	Yes	No bar number assigned.
U.S. Court of Appeals for the Eighth Circuit	May 6, 2013	Yes	No bar number assigned
U.S. Court of Appeals for the Ninth Circuit	July 30, 2013	Yes	No bar number assigned.
U.S. Court of Appeals for the Eleventh Circuit	May 21, 2013	Yes	No bar number assigned.
U.S. Court of Appeals for the District of Columbia Circuit	November 30, 2012	Yes	54497
U.S. Court of Appeals for the Federal Circuit	January 15, 2004	Yes	Attorney Number 054356
U.S. Court of Federal Claims	February 26, 1998	Yes	No bar number assigned.
U.S. District Court for the Eastern District of Virginia	November 3, 2000	Yes	41588
U.S. District Court for the District of Columbia	June 6, 2005	Yes	460879
U.S. District Court for the District of Maryland	February 5, 2007	Yes	16941
U.S. District Court for the Western District of Michigan	January 31, 2012	Yes	No bar number assigned.
U.S. District Court for the Eastern District of Michigan	February 10, 2012	Yes	No bar number assigned.
U.S. District Court for the Eastern District of Wisconsin	October 9, 2012	Yes	No bar number assigned.
U.S. District Court for the Western District of New York	June 26, 2013	Yes	No bar number assigned.

Michael Alexander Johnson - State Court Admissions

Court	Date	Active Status & Good Standing?	Bar Number
District of Columbia Court of Appeals	December 7, 1998	Yes	460879
Supreme Court of Virginia	October 9, 1997	Yes	41588

Question 8
Michael A.F. Johnson - Prior Applications to Appear as Counsel

Date of App.	Cause	Title of Court Admin. Body or Arbitrator	Was App. Granted or Denied
11/9/16	Terra West Collections Group, LLC v. Federal National Mortgage Association et al. Case Number: 2:15-cv-01692-JAD-VCF	United States District Court District of Nevada (Las Vegas)	Granted
5/16/17	Federal Housing Finance Agency v. LN Management, LLC Case Number: 2:17-cv-00910-APG-VCF	United States District Court District of Nevada (Las Vegas)	Granted
5/16/17	Federal Housing Finance Agency v. Las Vegas Development Group, LLC Case Number: 2:17-cv-00908-JAD-VCF	United States District Court District of Nevada (Las Vegas)	Denied
5/16/17	Federal Housing Finance Agency v. Nevada New Builds, LLC Case Number: 2:17-cv-00912-JAD-VCF	United States District Court District of Nevada (Las Vegas)	Denied
5/16/17	Federal Housing Finance Agency v. SFR Investments Pool I Case Number: 2:17-cv-00914-GMN-PAL	United States District Court District of Nevada (Las Vegas)	Granted
5/16/17	Federal Housing Finance Agency v. Thunder Properties, LLC Case Number: 2:17-cv-00915-RFB-CWH	United States District Court District of Nevada (Las Vegas)	Granted
3/20/18	Federal Housing Finance Agency, et al. v. GR Investments, et al. Case Number 2:17-cv-03005-JAD-VEH	United States District Court District of Nevada (Las Vegas)	Granted
3/28/18	Federal Housing Finance Agency, et al. v. LN Management LLC, Series 2937 Barboursville, et al. Case Number 2:17-cv-03006-JAD-GWF	United States District Court District of Nevada (Las Vegas)	Granted
3/28/18	Federal Housing Finance Agency, et al. v. LN Management, LLC Case Number 2:18-cv-00371-RFB-GWF	United States District Court District of Nevada (Las Vegas)	Granted
3/28/18	Federal Housing Finance Agency, et al. v. Placer Bullion Trust #9166, et al. Case Number 2:18-cv-00289-JCM-PAL	United States District Court District of Nevada (Las Vegas)	Granted
6/13/18	M&T Bank, et al., v. SFR Investments Pool 1, LLC, et al. Case Number 2:17-cv-01867-JCM-CWH	United States District Court District of Nevada (Las Vegas)	Granted
6/19/18	Federal Housing Finance Agency, et al. v. BG Novecientos Dos S.A. Corp. ID 3-101-454-51 Case Number 2:18-cv-00453-GMN-CWH	United States District Court District of Nevada (Las Vegas)	Case Settled PHVMoot
6/22/18	Saticoy Bay LLC Series 970 Flapjack Drive v. Federal National Mortgage Assoc. Case Number 2:18-cv-00961-RFB-NJK	United States District Court District of Nevada (Las Vegas)	Granted
6/26/19	Ditech Financial, LLC v. SFR Investments Pool 1, LLC, et al. Case Number 2:17-cv-01772-RFB-PAL	United States District Court District of Nevada (Las Vegas)	Granted
7/1/19	Ditech Financial, LLC v. Talasera and Vicanto Homeowners' Association, et al. Case Number 2:16-cv-02906-JAD-NJK	United States District Court District of Nevada (Las Vegas)	Granted
8/29/19	Nationstar Mortgage v. Independence II Homeowners Association, et al.	United States District Court District of Nevada (Las Vegas)	Granted

Question 8
Michael A.F. Johnson - Prior Applications to Appear as Counsel

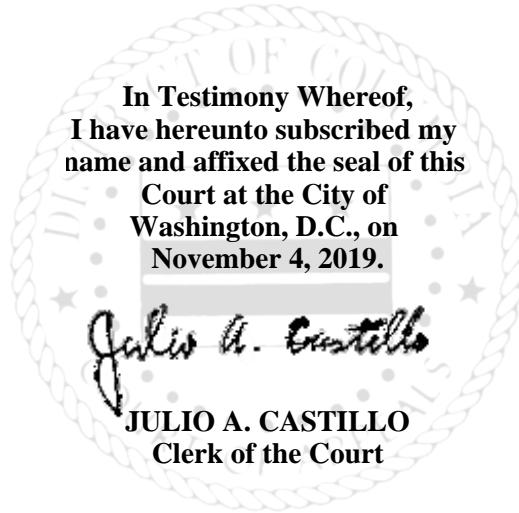
Date of App.	Cause	Title of Court Admin. Body or Arbitrator	Was App. Granted or Denied
	Case Number 2:15-cv-02151-JAD-NJK		



On behalf of JULIO A. CASTILLO, Clerk of the District of Columbia Court of Appeals,
the District of Columbia Bar does hereby certify that

A handwritten signature in black ink that reads "Michael A Johnson".

was duly qualified and admitted on December 7, 1998 as an attorney and counselor entitled to
practice before this Court; and is, on the date indicated below, an Active member in good
standing of this Bar.



Issued By:

District of Columbia Bar Membership

A handwritten signature in black ink that reads "Julio A. Castillo".

For questions or concerns, please contact the D.C. Bar Membership Office at 202-626-3475 or email memberservices@dcbar.org.

Supreme Court of Virginia

AT RICHMOND

Certificate

I, Douglas B. Robelen, Clerk of the Supreme Court of Virginia,
do hereby certify that

MICHAEL ALEXANDER JOHNSON

was admitted to practice as an attorney and counsellor at the bar of this Court on
October 27, 1997.

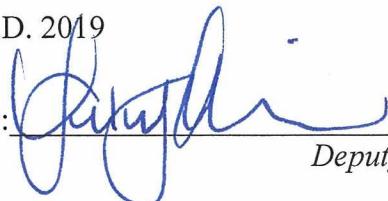
I further certify that so far as the records of this office are
concerned, MICHAEL ALEXANDER JOHNSON is a member of the bar of
this Court in good standing.

Witness my hand and seal of said Court

This 31st day of October

A.D. 2019

By:



Deputy Clerk

CERTIFICATE OF SERVICE

Pursuant to F.R.C.P. 5(b) and Electronic Filing Procedure IV(B), I certify that on November 5, 2019 a true and correct copy of the **VERIFIED PETITION FOR PERMISSION TO PRACTICE IN THIS CASE ONLY BY ATTORNEY NOT ADMITTED TO THE BAR OF THIS COURT AND DESIGNATION OF LOCAL COUNSEL**, was transmitted electronically through the Court's e-filing electronic notice system to the attorney(s) associated with this case. If electronic notice is not indicated through the court's e-filing system, then a true and correct paper copy of the foregoing document was delivered via U.S. Mail.

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Timothy Rhoda, tim@crotaulaw.com

Donna M. Wittie donna.wittie@charter.net

/s/ Pamela Carmon
An Employee of Fennemore Craig, P.C.

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lhart@fclaw.com, jtennert@fclaw.com
*Attorneys for Plaintiffs Federal Housing Finance Agency
and Federal Home Loan Mortgage Corporation*

(Pro Hac Vice Submitted)
Michael A. F. Johnson, Esq.
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601 Massachusetts Ave., NW
Washington, DC 20001-3743
Tel: (202) 942-5000 Fax: (202) 942-5999
Michael.Johnson@apks.com

Attorneys for Plaintiff Federal Housing Finance Agency

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

FEDERAL HOUSING FINANCE AGENCY, in its capacity as Conservator of Federal National Mortgage Association and Federal Home Loan Mortgage Corporation; FEDERAL NATIONAL MORTGAGE ASSOCIATION; FEDERAL HOME LOAN MORTGAGE CORPORATION; JPMORGAN CHASE BANK, N.A.; DITECH FINANCIAL LLC; NATIONSTAR MORTGAGE, LLC; BAYVIEW LOAN SERVICING LLC; and BANK OF AMERICA, N.A..

Plaintiffs,
vs.

THUNDER PROPERTIES, INC.

Defendant.

CASE NO.: 3:16-cv-00461-RCJ-WGC

**AFFIDAVIT OF MICHAEL A. F.
JOHNSON, ESQ., IN SUPPORT OF THE
VERIFIED PETITION FOR PERMISSION
TO PRACTICE, SETTING FORTH
SPECIAL CIRCUMSTANCES AND
GOOD CAUSE FOR AN APPEARANCE**

STATE OF NEVADA) SS:
COUNTY OF CLARK)

I, Michael A. F. Johnson, being first duly sworn, do hereby swear under penalty of perjury the laws of the State of Nevada as follows:

1. I am over the age of 21 years. The statements I offer in this affidavit are true and correct to the best of my knowledge, information, and belief.

2. With the exception of those matters stated upon information and belief, I have personal knowledge of each of the matters stated herein and could testify competently to the same under oath in a court of law if called upon to do so.

3. Pursuant to Local Rule IA 10-2(h)(2), I submit this affidavit in support of the Verified Petition for Permission to Practice in This Case Only by Attorney Not Admitted to the Bar of This Court and Designation of Local Counsel. I submit this application in advance of the Court's November 18, 2019, hearing on Plaintiffs' Motion for Summary Judgment (ECF 62), at which I hope to argue on behalf of Plaintiffs.

4. Local Rule IA 10-2(h)(1) provides that, as a general rule, “more than five (5) appearances by any attorney or firm of attorneys in the same office locations granted under this Rule in a three (3) year period is excessive use of this Rule.” However, an attorney for firm may make appearances in excess of the limitations in “special circumstances, and only upon showing of good cause.” *Id.*

5. I believe that special circumstances and good cause exist to support my appearance in this case.

6. I am an attorney with the law firm of Arnold & Porter Kaye Scholer LLP, an international law firm acting as counsel for the Federal Housing Finance Agency (“FHFA”).

7. FHFA is an independent federal agency responsible for the oversight of vital components of the national secondary mortgage market, including the Federal National Mortgage Association (“Fannie Mae”) and the Federal Home Loan Mortgage Corporation (“Freddie Mac”) (together, “the Enterprises”).

1 8. On September 6, 2008, FHFA's Director invoked the power granted FHFA under
 2 the Housing and Economic Recovery Act of 2008 ("HERA"), Pub. L. No. 110-289, 122 Stat.
 3 2654, to place the Enterprises into conservatorships. *See* U.S.C. § 4617(a). Since then, FHFA
 4 has been each Enterprise's Conservator.

5 9. In its capacity as Conservator, FHFA succeeded to "all rights, titles, powers, and
 6 privileges" of the Enterprises and their respective stockholders, boards of directors and officers.
 7 *See* 12 U.S.C. § 4617(b)(2)(A)(i). Accordingly, the Conservator is authorized to participate, at
 8 its discretion, in litigation involving the Enterprises in a manner consistent with the conservator's
 9 duties.

10 10. There are hundreds of cases pending in the Nevada Supreme Court, the District
 11 Courts of the State of Nevada, in the United States District Court for the District of Nevada and
 12 in the United States Court of Appeals for the Ninth Circuit in which the Enterprises and other
 13 parties are litigating the interpretation and application of NRS 116.3116(2), which allows an
 14 HOA a limited super-priority lien security payment for past due HOA fees, and permits properly
 15 conducted foreclosures and public auctions to extinguish all other deed-of-trust interests. *SFR*
 16 *Invs. Pool I, LLC v. U.S. Bank, NA.*, 334 P.3d 408 (Nev. 2014) ("the Chapter 116 Cases").
 17 However, as the Nevada Supreme Court and the Ninth Circuit have concluded, federal law
 18 precludes this result when the owner of the deed of trust is an Enterprise in FHFA
 19 conservatorship. *See* 12 U.S.C. § 4617(j)(3) ("No property" of the Conservator "shall be subject
 20 to ... foreclosure ... without the [FHFA's] consent."); *id.* § 4617(b)(2)(A)(i) (the Conservator
 21 succeeds to "all rights, titles, powers, and privileges" of the Enterprises); *Freddie Mac v. SFR*
 22 *Invs. Pool I, LLC*, 893 F.3d 1136 (9th Cir. 2018); *Berezovsky v. Moniz*, 869 F.3d 923 (9th Cir.
 23 2017); *Elmer v. JPMorgan Chase Co.*, 707 F. App'x 426 (9th Cir. 2017) (unpublished); and
 24 *Saticoy Bay LLC Series 9641 Christine View v. Fed. Nat'l Mortg. Ass'n*, 417 P.3d 363 (2018).

25 11. FHFA has retained Arnold & Porter Kaye Scholer LLP to coordinate and
 26 implement its legal strategy in these actions. I am the primary contact person at Arnold & Porter
 27 Kaye Scholer LLP for these matters. FHFA has retained Leslie Bryan Hart and the law firm of
 28 Fennemore Craig, P.C. to assist as local counsel in these cases.

1 12. In the past three years I have submitted 16 applications for *pro hac vice* admission
 2 in the District Court for the District of Nevada. A list of those cases is attached hereto as
 3 **Exhibit A.** Only four of these cases are still active in the District of Nevada.

4 13. Granting this application will serve judicial efficiency and save party resources as
 5 FHFA has retained my firm and me in connection with matters raised in this state and in other
 6 states that similarly involve the interpretation of FHFA's governing statute and the scope of the
 7 Conservator's authority under federal law. Although Arnold & Porter Kaye Scholer LLP has a
 8 group of attorneys working on the cases pending in the federal and state courts of Nevada, I
 9 have been the FHFA's principal representative at numerous hearings in the United States
 10 District Court for the District of Nevada, and the Ninth Circuit, as well as other courts around
 11 the country.

12 14. Of particular significance, I argued the *Berezovsky*, *Elmer*, and *Freddie Mac*
 13 cases, in which the Ninth Circuit applied the Federal Foreclosure Bar and addressed statutory,
 14 constitutional, and precedent-based arguments concerning the scope of its application. I also
 15 argued the *Christine View* appeal, where the Nevada Supreme Court followed the Ninth
 16 Circuit's precedent. I believe my experience arguing these three cases before the Ninth Circuit
 17 and Nevada Supreme Court will allow FHFA to provide the Court with important background
 18 and perspective more efficiently than if FHFA had to present its arguments through another
 19 counsel.

20 15. In my view, my participation in these cases, including at oral argument, assisted
 21 the Court in each of these cases.

22 16. FHFA respectfully requests that the Court find that special circumstances and
 23 good cause exist to grant my application in this case.

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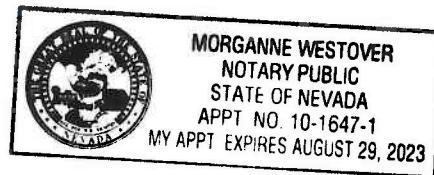
17. Based on the foregoing, special circumstances and good cause exist to permit my appearance in this case. *11/11*

DATED: November 5, 2019.

Subscribed and Sworn to before me
this 5th day of October, 2019.

November

Notary Public



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Exhibit A

Michael A. F. Johnson
Applications to Appear as Counsel Pro Hac Vice in Last 3 Years

Date of App.	Case	Title of Court Admin. Body or Arbitrator	Was App. Granted or Denied
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